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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,475	10/15/1999	BARRY MARKWITZ	6002-11	1318

7590

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EXAMINER

TSAI, CAROL S W

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/419,475

Applicant(s)

MARKWITZ ET AL.

Examiner

Carol S Tsai

Art Unit

2857

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 36 and 37.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant's arguments filed 03/28/2003 have been fully considered but they are not persuasive.

Applicant argues that his claimed invention has the ability to produce reports that include maps, photographs, illustrations, and other graphical data that can be associated with checkpoints, that the association of graphics with the checkpoints makes the claimed invention unique. The Examiner disagrees with Applicant. As set forth below, Dividock et al. do disclose reports comprising customized patrol statistics (see col. 4, lines 20-42 and col. 8, lines 1-40), reports comprising customized patrol statistics (see Fig. 8; Abstract, lines 20-23; The data is processed to provide chronological, management, and exception reports, for auditing compliance with assigned floor inspection tours and for statistical analysis of hazards; col. 8, line 44 to col. 9, line 8; Referring to FIG. 8, reports are printed out by the program manager on an "as-needed" basis).

The Examiner disagrees with Applicant's argument described at pages 4 and 5 of amendment mailed 03/28/2003. It is noted that the features upon which applicant relies (i.e., "A small independent program can start automatically and remain active whenever the computer is running" and "the downloading to be accomplished independent of the complete program product") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claims 36 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,078,255 to Dividock et al.

As to claims 36 and 37, Dividock et al. disclose a computer program product for use with a data processing system for monitoring and evaluating guard patrols of one or more sites, the computer program product comprising: (a) a computer usable medium (central computer 25 shown on Fig. 8) including: (1) computer readable program code means embodied in the medium (a portable data collector 15 shown on Fig. 1) for gathering information obtained from one or more checkpoints during a guard patrol of one or more sites (see col. 4, lines 20-42 and col. 6, lines 4-43); (2) computer readable program code means embodied in the medium for detecting when the gathered information is ready to be downloaded into the data processing system (see col. 4, lines 20-42 and col. 6, line 44 to col. 7, line 6); (3) computer readable program code means embodied in the medium (downloading cradle 20 shown on Fig. 2) for downloading the gathered information into the data processing system (see col. 4, lines 20-42 and col. 6, line 44 to col. 7, line 6); and computer readable program code means for printing one or more reports to a printer of the information obtained from one or more checkpoints during a guard patrol (see col. 4, lines 20-42 and col. 8, lines 1-40), reports comprising customized patrol statistics (see Fig. 8; Abstract, lines 20-23; The data is processed to provide chronological, management, and exception reports, for auditing compliance with assigned floor inspection tours and for statistical analysis of hazards; col. 8, line 44 to col. 9, line 8; Referring to FIG. 8, reports are printed out by the program manager on an "as-needed" basis).